



**MEETING MINUTES**

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
WATER RESOURCES ADVISORY COMMISSION**

Thursday, October 4, 2007, 9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

Members and Alternates Present:

**John Adornato**

**D. Albrey Arrington**

**Douglas Bournique**

**Walter Carson**

**Jacqueline Cohen**

**Michael Collins**

**Harry Cronin**

**Robert Fernandez**

**Terry Gibson**

**Kurt Harclerode**

**Patrick Hayes**

**Kristin Jacobs**

**William "Chad" Kennedy**

**Joan Lawrence**

**Barbara Miedema**

**Thomas Miller**

**Mark Perry**

**Jeff Schmidt**

**Charles Shinn**

**Mike Tammaro**

**Jody Thomas**

**Ed Wright**

**Jeff Ann**

**Michael Bauer**

**Al Calloway**

**Duke Clem**

**Joe Collins**

**Chuck Collins**

**Joan Davis**

**Brij Garg**

**Beverly Grady**

**James Harvey**

**James Humble**

**Tom Jones**

**Thomas Kenny**

**David Lithgow**

**Paul Millar**

**James Murley**

**Terrence Rock Salt**

**Ray Scott**

**Raymond Smith**

**Craig Tepper**

**Malcolm "Bubba" Wade**

**Douglas Yoder**

1. **Welcome and Introductions - Michael Collins, Chair**

15m

Chair Collins welcomed everyone to West Palm Beach. Section 120.525, Florida Statutes, allows the Chair to change the published agenda for good cause shown. As Chair, I find good cause to change the following items: item 10, Minimum Flows and Levels (MFL) discussion is being pulled and I am adding Public Comments after item 9. Chip Merriam is attending other meetings, if he is not present for item 6, I will swap it his item until after lunch and take Recover, item 8, in its place.

Chair Collins stated that regarding Compartment C buildout, 30% design we had only received four comments back. This is an experiment we have started where we request comments from the members to see if the item should be included on the agenda for discussion. Without objection, this item was recommended to proceed to the next design phase.

## 2. Member Issues

30m

Commissioner Jacobs brought up two items. First the taxation budget reform commission which every 20 years revises the way taxes are structured. The commission is meeting to review changes needed due to growth management and they will be addressing water issues. Their recommendations are due May 8. Their next meeting will be October 11 in Broward County. She urged the WRAC group to attend these meetings and hear the Tax and Budget commissions recommendations. She met with Jim Scott, one of the commissions members and many of the recommendations regarding water issues were very alarming.

Commissioner Jacobs also addressed the SFWMD budget cuts for FY08. She stated that pilot projects for Alternate Water Supply (AWS) should be reconsidered for next years budget and she recommended that District staff create milestones to benchmark the Mobile Irrigation Labs before continued funding is provided. Some of them are not doing the job. In a tight Budget year, money for other projects is important, e.g. AWS.

Chair Collins asked that criteria be developed to evaluate the performance of Mobile Irrigation Labs.

Ray Scott added that one of FDACS performance measures rates irrigation labs.

Chad Kennedy mentioned that FDEP is working with Dave Unsell regarding the permits for the relocation of muck removed from Lake Okeechobee. Permit issues are being resolved to avoid future delays.

Chair Collins asked that staff work with FDEP to avoid any other permit delays.

Ray Scott asked to discuss the lake regulation schedule and also wanted to know when the Guidance Memoranda will be out for review.

Barbara Miedema replied November 15.

Chair Collins replied that the lake regulation schedule would be addressed during the Lake Okeechobee report. Weve asked for meetings to be scheduled with stakeholders regarding the Guidance Memoranda.

Rick Smith said that the Guidance Memoranda would be part of the agenda for the joint meeting with the Task Force in December.

Ed Wright stated that a new Farm Bill has not yet been approved and they are operating under the old bill until December 31. We will not be taking any new applications. We do not have apportionments for Farm Enrichment Land protection used for land acquisition, or the Wetland Preserve. There is discussion about combining the emergency Watershed and Conservation Reserve programs, which means we might end up administrating both program.

Chair Collins added that Executive Director Carol Wehle is working to help keep the programs going.

Patrick Hayes asked that the District act proactively on the permits from DEP to move the water from the Palm Beach Aggregates rock pits to the Loxahatchee river. He asked that cumulative impacts from developing agricultural lands be reviewed and the Districts rules for Environmental Resources permits are revised.

Chair Collins stated that the law does not allow the District to expand the criteria regarding Environmental Resources Permits.

Ray Scott replied that DCA is addressing the conversion of agricultural land development. DCA has initiated rulemaking and statutory changes are forthcoming. An interagency group has been created to review permits when they come in.

Jody Thomas commented on the cumulative impact of growth north of the lake and the challenge it presents to manage it. There is a need for growth management and would like to see the District set the direction that will maximize water usage and connectivity north of the lake.

John Adornato thanked Governor Crist for his letter to the President stating his support of the Water Resources Development Act (WORDA). This act is expected to be vetoed by President Bush.

Mark Perry stated that C23 and C24 are dumping heavily into the St. Lucie River, about 4000 cfs, and C44 is dumping 3700 cfs back into the lake. STAs are necessary to treat this water so that it may be put back in the lake instead of being dumped to tide.

Beverly Grady reminded everyone of the passing away of David Burr a member of the WRAC.

Terry Gibson stated that his organization is sending a letter to President Bush regarding the WRDA policy as requested by the Heritage Foundation. Lobbyist Howard Marlow managed to include in the policy that beach nourishment was in the best interest of America without commissioners approval. This project threatens fishing habitat in Florida.

Chair Collins brought to the table WRACs request to create a committee to deal with Global warming. He stated that he spoke to FDEP Secretary Sole and that there is already a commission dealing with this; and he said all water issues will be coming to this committee.

James Murley replied that their concern is about water resources related to global warming.

Doug Yoder stated that there is a group working on seawater rise because of global warming.

Chair Collins addressed the issue about creating a group to work with the task force on growth management. Some of our new Board Members have not been briefed on Senate Bill 444. Briefings are scheduled for November and the Governing Board requested to wait until then before we start weighing on this issue. DCA has setup an interagency task force to work on these issues. We have moved five planners to work with this group. The Legislature stated that we have no authority over regulatory issues on growth management only on regarding water resources.

Chair Collins explained that at the Governing Board meeting the following week year round water restrictions would be addressed. They will be a Water Summit to kick off the developing of a comprehensive plan for year round water restrictions. A subgroup of the WRAC will be created with additional stakeholders to review all options.

Barbara Miedema asked year round water restrictions would apply to agriculture.

Chair Collins responded that as stakeholder it would be expected for agricultural to be at the table.

3. SFWMD Fiscal Year 2007-08 Budget Overview - Aaron Basinger, Director, Dept. of Finance and Accounting, SFWMD

15p 15d

There were a lot of questions regarding slide 7: Where does the money Go

Commissioner Jacobs asked for clarification on Certificate of Participation (COP) funding and whether voters approval will be needed.

Aaron Basinger replied that the COPs issued by SFWMD were validated in court up to \$1.8 Billion.

Mark Perry asked if the debt capacity of ad-valorem taxes were at 20%. Where are we today?

Aaron Basinger explained we are at 8% capacity debt ratio of a 20% ratio. Eventually will be up at a 20% ratio.

Chair Collins explained that we wouldnt be proceeding to that 20% ration until there is certainty about how much our ad-valorem taxes will be.

Chair Collins explained that some of the budget is driven by statutory obligations but that the Governing Board has discretionary authority over a certain amount of the budget and thus the discrepancy.

Albrey Arrington asked how we could work together, in this new budget climate, to achieve the benefits on some of the Northern Palm Beach County projects.

Chair Collins explained that other sources of funding can be sought.

David Lithgow asked if there is a reason for separating the Acceler8 (A8) from CERP projects.

Chair Collins explained that the first round of A8 projects have met all requirements of CERP so that we can be credited for half the money we have expended.

Barbara Miedema questioned if they are CERP projects why do they need a Guidance Memorandum

Ken Ammon explained that many of these projects do not have a Project Implementation report (PIR) or an agreement for federal funding yet and until then, they will be listed as A8 projects. We lumped them together because we expect credit for these programs.

Rock Salt stated that the state is moving out on some of these projects so that federal funding can be used.

#### 4. Lake Okeechobee Committee Report - Malcolm Wade, Chair

5p 10d

Chair Collins presented the Lake Okeechobee Committee Report. The issue of the lake regulation schedule and the tentatively selected plan was discussed. The committee recommended that the WRAC support a request that the Corps extend the process to develop a consensus definition between interim schedule and WSE.

Chip Merriam said a talk with the Corps was scheduled regarding the schedule. Because of SFWMD concerns, the Colonel has agreed to define what the length of interim schedule is. Originally, the interim schedule extended to 2010 when the safety of the dike would not be compromised. Because of funding issues, the 2010 date is no longer feasible. We will be addressing this Monday on our meeting and bring it back to the Governing Board at our workshop meeting next week.

Chair Collins explained that the Corps didn't have the legal authority to revert to a WSE. Again, the Lake Okeechobee Committee asked of the WRAC to request from the Governing Board a clear definition of interim and in the absence to revert to the WSE.

Barbara Miedema stated that the new interim schedule shows a new date of 2020 and that is a long time to go through all of the impacts. She asked if they would have to wait until the fixes to the dike are done.

Chair Collins clarified that the agency will comment on the new interim schedule but that it was understood that they were asking the Corps to do something that by the law they are not allowed to do. Nevertheless, comments from this group needed to be given to the Corps.

Bubba Wade stated that this interim schedule didn't seem to please any of the stakeholders.

Pete Milam commented that the concerns expressed by this group, the District and other agencies were addressed by the project delivery team. This plan captures the best and worst-case scenarios after the LOSA plan. At this point, the plan that is moving forward will present problems when revising the WSE. The Corps cannot guarantee a date certain because it would depend on funding to fix the dike.

Bubba Wade asked that an automatic trigger point be created to revert to the old schedule instead of having to go through a completely new process.

Craig Tepper expressed that the Tribe couldn't support the interim schedule.

Kurt Harclerode expressed that Lee County didnt agree with reverting to the WSE and urged moving forward with the TSP as an interim schedule.

John Adornato agreed with Kurts statement, but added that we are asking the Corps to do something they are not allowed to do. We ask for more time to work on the issues.

Ray Scott expressed concerns about the forward pumps and whether there is enough information on this. He also had concerns about the biological opinion for the snail kite.

Chair Collins replied that according to Paul Sosa it is unlikely we will have a jeopardy opinion.

Shannon Estenoz asked if there is an acceptable option between the TSP Interim and WSE schedule?

Bubba Wade explained that creating a new schedule will take too long.

Beverly Grady opposed the automatic default to the WSE schedule.

Mike Tammaro asked for clarification about the interim and WSE schedules. What is the consensus we are looking for from the WRAC?

Bubba Wade explained that next week a consensus from this group will be presented to the Governing Board to whether keep the interim as a permanent schedule and then revert to WSE when the fixes to the dike are done, or to stay with WSE, work on the interim schedule now and then start working on a new permanent schedule for when the dike is fixed.

Chair Collins asked if there was a consensus from this group that because of uncertainties, the present Interim TSP requires more time to establish a mutually acceptable schedule.

Most of the group concurred.

Rock Salt asked if we are willing to go with WSE for the next year while working on a new interim.

Beverly Grady and Kurt Harclerode did not agree with the groups consensus. Their position is that the recommendation leaves in place a schedule that is not working now.

Chair Collins said he will take their comments to the Governing Board.

**5. Northern Everglades Plan Update - Tom Teets, Program Implementation Manager, Everglades Restoration**

15p 15d

Tom Teets presented on the Northern Everglades Plan.

Mark Perry asked for an explanation of the different alternative levels.

Albrey Arrington asked if the district is buying 300 acres and stacking 4 of water or just stacking water in the Kissimmee Flood Plain. He said it appears from the handouts that 100,000 acres needs to be purchased for the Northern Everglades Plan to work.

Tom Teets explained that part of the plans requirements is that no harm should come to the Kissimmee Restoration Plan, so it would not be the Kissimmee Floodplain. We are still looking for alternative areas for storage. The acreage needed hasnt been determined yet as we have to do the analysis.

Craig Tepper asked what kind of criteria would be used regarding impoundments. Are you looking to do big impoundments with the federal government or minor impoundment of agricultural lands?

Tom Teets: we are looking for the minor impoundments first that will offer the most storage. For the larger impoundments, we will have to work with the Corps and follow their standards.

Temperince Morgan presented on Northern Everglades Plan water quality.

David Lithgow had water quality questions on the alternatives.

Patrick Hayes asked how many acre feet were of STA footprint in the different alternatives.

Rock Salt asked about source control within the alternatives.

Temperince Morgan explained that it was part of the plan to include source control throughout the different alternatives.

Chair Collins stated that there are many issues about Legacy Phosphorus that need to be addressed.

Rock Salt asked what is the time outlook with legacy issues.

Bubba Wade recalled a legacy study done by SFWMD, where it stated that base on no rain and no additional pollutants; it would take 30 years to clean up the lake.

Susan Gray said that the District is doing a study on residual phosphorus on the lake and looking to plant vegetation that will bind the phosphorus. We will have a presentation at a later date.

6. Effects of the Combined Structural and Operational Plan (CSOP) on Lake Okeechobee and the Estuaries (including Modified Water Deliveries to Everglades National Park and C-111 Canal projects) - Paul Linton, Chief Consulting Engineer, Watershed Management Dept., and Kim Taplin, Dep. Dir., Everglades Restoration, U.S. Army Corps of Engineers, Jacksonville District

30p 30d



Paul Linton presented on the effects of the Combined Structural and Operational Plan (CSOP) on Lake Okeechobee and the Estuaries.

Rock Salt said the Fish and Wildlife Service (USFWS) had no Sparrow driven constraints in CSOP.

Bubba Wade explained peak flows to Everglades National Park should be about 1.2 million acre feet without any constraints.

John Adornato said that without the constraints the park would be getting 10% more. Is there capacity in the STAs to treat this water or is this another constraint?

Paul Linton explained that the STAs will have to wait past the wet year and if the lake were full then the volume would be moving south.

Jim Harvey asked for a chart showing the constraints with the system running at average flow.

John Adornato asked during the wet season if the STAs were full, would the water be held in the lake.

Paul Linton explained that in a very wet season water would be discharged to tide.

Jody Thomas said that it would be helpful to have a briefing about the results of the Avian Ecology Workshop.

Rock Salt replied that there would be a briefing at the upcoming December Task Force meeting. If WRAC is interested a presentation can be made at the Joint Meeting.

Chair Collins said a summary should be presented at the Joint Meeting.

Shannon Estenoz asked for a briefing regarding how the process works for Decentralization and CSOP. It seems that for one to be done the other needs to be done and vice versa.

Rock Salt stated that Stu Applebaum from the Corps would do an update at the Task Force meeting in December.

Mark Perry asked for a summary of the alternatives and constraints from the model run.

Bubba Wade suggested it would be a great idea so to better understand the capacity run presentation and figured out what it is, what constraint where there, what did it do when we ran it, is there opportunities to take other constraints out and pick up some more water.

7. Lunch - 12:15 - 1:00 p.m.

45m

8. Overview of "RECOVER" (Restoration, Coordination and Verification)  
- Bruce Sharfstein, Director, RECOVER Division, SFWMD.

15p 15d

Rock Salt asked if flow vs. velocity would be a performance measure for RECOVER.

Larry Gerry said it might end up as a performance measure including the metrics.

Paul Millar asked if there was a performance measure that considers pick up and deposit of sediments to the estuaries.

Larry Gerry responded that it is in the works and it would probably relate to the velocity/flow performance measure.

Jim Harvey agreed that integrating performance measures is a great idea and would like to see the final product.

Bubba Wade said that additional details should be added, e.g. budget, and to bring it back to the WRAC.

Rock Salt said that having a baseline would be very productive in the future as historical reference.

Jody Thomas asked that a very clear schematic should be developed.

9. Defining Everglades Restoration Success - John Ogden, Chief Environmental Scientist, Everglades Restoration Planning Dept.

15p 15d

Jody Thomas asked why this presentation and why now?

John Ogden replied that he wanted to keep everyone informed that the goals of CERP are not changing. RECOVER is attempting to narrow the indicators for success to seven major indicators.

Mark Perry appreciated the update and would like to see it on a regular basis.

Walter Carson agreed and would like to see a regular update. He said that the District continued to fund RECOVER. The basic research is needed to establish baselines so we know what to restore to.

Rick Smith announced that the December meeting will be a joint meeting with the Task Force and it will be held at the Hyatt in Miami. The deadline for accommodations is November 14. We won't have a Lake Okeechobee Committee December meeting. The Lake Okeechobee meeting will be held Wednesday, January 2, before the WRAC meeting on January 3. Both meetings will be held at District Headquarters.

Bubba Wade said that the January Lake Okeechobee meeting would be the last chance to comment on the Northern Everglades Plan.

John Adornato stated the Everglades National Parks 60th Anniversary coincides with the December 6 meeting and there would be a lot of activities happening down south.

Patti Webster announced that Jennifer Jurado would be the new alternate for Commissioner Jacobs.

Mike Collins introduced new WRAC Member Robert Fernandez.

Chad Kennedy suggested a field trip to the Lake in February.

Rick Smith explained this would be a combined Lake Okeechobee Committee and WRAC field trip.

10. Minimum Flows and Levels Priority Water Bodies for Fiscal Year 2008 - John Mulliken, Director, Water Supply Planning Division.

15p 30d

11. Adjourn: 3:00 p.m.

Adjourn at 3:30 pm